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Acquisition Research Program Need to Know Newsletter

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NPS Need to Know Newsletter Acquisition Research Program, 2020-08-07

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Dear ARP friends,

In the good news category: DOD is making strides with digital transformation, cloud capabilities, and connecting information systems and people. In the bad news category: negotiations over defense spending remain tricky, not just in the annual appropriations bills but in the latest COVID-19 stimulus package. Today's article by Niv Elis suggests that Congress "is likely to pass a stopgap measure to keep the government funded and prevent a shutdown ahead of November's elections." Our news also features updates on the JEDI contract, fortuitously paired with Larry Asch's thoughts and research on bid protests. From ARP, we bring the latest symposium panel and the next student research video, which suggests acquisition decisions might be impacted by cognitive biases.

Happy Friday!



August 7, 2020

Issue 19

ARP Research: Symposium Spotlight

Panel #16: Improving Schedule Estimates in MDAPS

Program Duration, Funding Climate, and Acquisition Policy

David McNicol (Institute for Defense Analyses)

- **Micro-abstract:** Estimated program duration was found to have a weak negative association with funding climate; that is, major defense acquisition programs that pass Milestone (MS) B in a boom climate tend to be of shorter duration than those that pass MS B in a bust climate. **Read the [Presentation](#).**

Using ANOVA and Multinomial Logistic Regression to Analyze Defense Acquisition Executive Summary (DAES) and Acquisition Program Baseline (APB) Milestone Estimates to Determine Contributing Factors to Schedule Slips

Brian Joseph (OUSD(A&S)), Christopher Hastings (OUSD(A&S))

- **Micro-abstract:** Our research found that significant mean rank differences exist in all categories and across all schedule slip variables and that as one-month increases occur in the four derived schedule slip variables, there are significant odds that various factor categories are likely to have contributed to that increase in schedule slip. **Read the [Paper](#).**

It's About Time: Toward Realistic Schedule Estimates

Charles Pickar (Naval Postgraduate School), Raymond Franck (United States Air Force Academy)

- **Micro-abstract:** Defense acquisition schedules have long been a difficult problem. System dynamics and considering the role and thinking of the human in project management and scheduling offer a tool to examine the execution of aerospace system developments. In this effort, we consider primarily the case of the Boeing 737MAX, which has been a fortuitous example of the risks of scheduling-by-fiat. **Read the [Paper](#).**

See more research in the full [Proceedings of the 17th Annual Acquisition Research Symposium](#).

This Week's Top Story

[DoD CIO attempts to remove non-technical obstacles to digital transformation](#)

Jason Miller, Federal News Network

For Defense Department chief information officer Dana Deasy, digital transformation was never just about the cloud.

This is why making the Air Force's dev/sec/ops program, known as Platform One, a DoDwide enterprisewide service is an important milestone.

Deasy said Platform One will make it easier for the military services and defense agencies to modernize applications.

"My office recently designated one of the most mature dev/sec/ops platforms within the department, the Air Force Platform One, as an enterprise service which has the effect of making this capability broadly-available across the DoD. That designation also links directly into the software acquisition policy released by Acquisition and Sustainment that encourages both the uses of dev/sec/ops and adoption of existing enterprise services," Deasy said during a briefing with reporters on July 30. "While we tend to focus on technology when we talk about software, it is important to acknowledge that progress is delivering — delivering capability more rapidly will depend as much on non-technical enablers such as changes to acquisition policy, cyber risk acceptance processes, as the technical capabilities."

[Read more.](#)

ARP News

[Student Research Video: Decision Biases in Acquisition Decisions within Defense Acquisition Programs](#)

NPS student James K. Kiesling shares research conducted with his partner Diane M. Chong on the understudied role of decision biases in acquisition and program management.

Acquisition and Innovation

Air Force's game-changing approach to cloud accreditation

Jason Miller, Federal News Network

US Air Force reveals Skyborg acquisition strategy

Pat Host, Janes

Pentagon CIO says the department's cloud efforts are more than just JEDI

Andrew Eversden, C4ISRNET

Deasy: Biggest JEDI mistake was letting the narrative slip away from DOD

Jackson Barnett, Fedscoop

To keep weapon sales in place, US offers new options for payment

Aaron Mehta, Defense News

Changes to the CMMC Advisory Board as Congress turns up scrutiny of cyber standards

Jason Miller, Federal News Network

Why defense programs should fix cost and schedule, not technical, baselines

Eric Lofgren, Acquisition Talk

The Cancellation Heard 'Round the Beltway: A2SB

The Pulse

GSA begins Phase 3 of Multiple Award Schedule consolidation

Dave Nyczepir, Fedscoop

Events (Upcoming)

2020 Department of Defense Artificial Intelligence Symposium and Exposition

Joint Artificial Intelligence Center

September 9 & 10, 2020+

COVID-19 and Contracting

E-Marketplaces in the Time of COVID-19

Robert A. Burton, Nextgov

[HHS, DOD Collaborate With Johnson & Johnson to Produce Millions of COVID-19 Investigational Vaccine Doses](#)

U.S. Department of Defense

Research

[Special Report: Lessons Learned for Department of Defense Acquisition Officials During Acquisition Reform](#)

U.S. Department of Defense Inspector General

[Information Technology: Federal Agencies and OMB Need to Continue to Improve Management and Cybersecurity](#)

U.S. Government Accountability Office

[Navy Large Unmanned Surface and Undersea Vehicles: Background and Issues for Congress](#)

Congressional Research Service

[Building a Broader Evidence Base for Defense Acquisition Policymaking](#)

Elizabeth M. Bartels, Jeffrey A. Drezner, Joel B. Predd, RAND Corporation

Defense and Federal Government

[The Army migrated one of the world's largest financial systems to the cloud 7 months ahead of schedule](#)

Jackson Barnett, Fedscoop

[Annual Government Spending Approaches Historic Territory](#)

Frank Konkel, Nextgov

[Air Force Research Laboratory Will Realign, Not Split](#)

Shaun Waterman, Air Force Magazine

[Two US Army projects seek to improve comms between soldiers and AI](#)

Andrew Eversden, C4ISRNET

[Stackley: Combined L3Harris Technology Will Compete to Build New Navy Distributed Battle Networks](#)

Megan Eckstein, USNI News

[FITARA grades mostly hold, improve amid agencies shift to remote work](#)

Dave Nyczepir, Fedscoop

Policy

Memorandum: Air Force Guidance Establishing Representative Anthropometric Design Specifications for the Department of the United States Air Force Acquisitions Programs

Assistant Secretary of the Air Force (Acquisition, Technology & Logistics)

Executive Order on Aligning Federal Contracting and Hiring Practices With the Interests of American Workers

The White House

Integrating Components of the GPRA Modernization Act and Evidence Act to Improve Organizational Performance

Performance.gov

Education

New Community College of the Air Force degree coming for thousands of airmen

Stephen Losey, Air Force Times

Congress

House approves \$1.3 trillion spending package for 2021

Niv Elis, The Hill

With billions of dollars at stake, let's responsibly and deliberately spend America's funds

Sen. Dick Durbin and Rep. Adam Smith

Next coronavirus relief package must include a big defense boost, GOP leaders argue

Leo Shane III, Military Times

Pentagon nominee slams the US Navy's fleet plans as 'not a credible document'

David B. Larter and Joe Gould, Defense News

Acquisition Tips and Tools, with Larry Asch

Question: Is there a fear of protests, and is it affecting our acquisition strategies and behavior?

Answer: Absolutely. It causes less innovation and leads to strategies that people think are protest bulletproof, e.g., OTA, SBIR Phase 3, and ANC 8a. I recommend you develop acquisition strategies in accordance with the science of good acquisition practices and procedures, work as a multi-functional team (including contracting and legal) and have one agenda: execute the acquisition to best meet the mission of your customer in the smartest and most efficient and effective way possible.

Some of these protest bulletproof strategies sound too good to be true—and you know what they say, “if it is too good to be true....” Bottom line: fear of a protest should never be the

reason to choose an acquisition strategy. Note that one of the findings from the 2014 ARP paper summarized below is, “The greater a contracting officer’s competence level, the lower the level fear of protest.” The contracting officer can easily be replaced with the acquisition team’s competence.

Worried about protests? Here are a few steps to mitigate the risks:

- Treat all contractors equally – no bias toward a particular vendor.
- Have strong multi-functional integrated product team involvement to ensure quality products.
- Don’t throw products over the fence to contracting; work as a team to review.
- Keep industry engaged through incremental drafts, whether sole source or competitive.
- Do detailed market research. There is a big difference between contractor marketing and market research.
- Plan early and often. Acquisitions take time.
- The science of acquisition is important. If your team needs help, read the DoD Acquisition Pathways. It gives great information and steps to get your acquisition done right, e.g., DoDI 5000.74 for Services Acquisition and DoDI 5000.75 for Defense Business Systems.

Below are four additional sources on fear of protests.

1. [23 years of data on GAO Bid Protests](#) (Wifcon)

2. [GAO Bid Protests: Trends and Analysis](#) (Congressional Research Service)

“Fear of a protest could prompt officials to try to structure a contract in a manner they deem less likely to be protested.” A majority of respondents believes that in most acquisitions:

- Stringent rules restrict procurement package preparation to avoid protest, rather than improve acquisition.
- Pre-proposal discussions are curtailed to avoid the appearance of improper discussions.
- Post selection debriefings are “dumbed down” to avoid protest.
- Both Lowest Price Technically Acceptable and Multiple Award contracts are used to avoid protests.
- Legitimate sole source providers are re-competed to avoid protests.
- Important requirements are not used as award criteria to avoid protests.

3. [What are the Effects of Protest Fear?](#) (Thesis from students in Naval Postgraduate School’s Acquisition Research Program)

Fear of the real or perceived consequences of receiving a bid protest exists. U.S. Navy contracting officers have some concern of protests. The greatest concerns are a few instances of inappropriate uses of lowest price technically acceptable (LPTA) and the reduced technical

evaluation effectiveness attributed to fear of protests. Other consequences on acquisition strategies include the following:

- The level of fear of protest has a negative effect on technical evaluation effectiveness, while a positive relationship exists between technical evaluation effectiveness and contractor performance.
- There is a direct positive relationship between fear of protest and the source selection method appropriateness, while there is a positive correlation between the appropriateness of a source selection and contractor performance.
- There is a direct positive relationship between fear of protest and both transaction costs and the actual procurement administrative lead time.

4. **Section 809 Panel Recommendation #67: Reduce Potential Bid Protest Processing Time by Eliminating the Opportunity to File a Protest with the Court of Federal Claims (COFC) after Filing at the Government Accountability Office and Require the COFC to Issue a Decision within 100 Days of Ordering a Procurement Be Delayed**

Bid protest authority was not codified until Competition in Contracting Act (CICA) specifically provided for the Procurement Protest System now codified at 31 USC § 3551. The GAO Comptroller General is charged with “providing for the inexpensive and expeditious resolution of protests” filed at GAO and to issue final decisions within 100 days after the protest is submitted. Although bid protests originated at GAO, bidders may now file a bid protest at any or potentially all of three options: the agency, GAO, and the Court of Federal Claims.

Read the full newsletter online: <https://nps.edu/web/acqnresearch/newsletter>

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